

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

:
:
: Master File No. 12-md-02311
: Hon. Marianne O. Battani
:
:

THIS DOCUMENT RELATES TO:

ALL CASES

**JOINT SUPPLEMENT TO PLAINTIFFS' POSITION PAPER AND THE REPLY OF
THE UNITED STATES TO THE UNITED STATES' MOTION TO INTERVENE AND
FOR A TEMPORARY AND LIMITED STAY OF CERTAIN DISCOVERY**

After further discussions, Plaintiffs and the Antitrust Division of the Department of Justice ("DOJ") have reached a compromise on the language in the proposed stipulation relating to Plaintiffs' reservation of rights to request, from any individual or entity, but not DOJ, discovery of statements made by Defendants to DOJ during the course of DOJ's auto parts investigation.

Pursuant to this agreement, the language in "Plaintiffs' Position" on p.5 of the joint version of the proposed order (Doc. No. 602-2) under **"All Initial and Later Cases,"** is modified as follows (the modification set forth in italics):

[PLAINTIFFS' POSITION: Once any stay is lifted, any party may request that the Court permit it to discover from any individual or entity, but not the DOJ, statements made by any individual or entity to the DOJ, subject to the rights of DOJ and any other party to object to such request. *DOJ has indicated to Plaintiffs that, depending on the specific request made, if any, it likely will object to any attempt to discover from Defendants' files statements made to DOJ during the course of its auto parts investigation. Any objection made by DOJ will ultimately be resolved by this Court if it cannot be resolved by the parties.*]

As modified, DOJ does not oppose inclusion of this language in the Proposed Stipulation. As a result of this modification, DOJ and Plaintiffs have no remaining disputes relating to the discovery stipulation.

Dated: November 4, 2013

FINK + ASSOCIATES LAW

/s/ David H. Fink

David H. Fink (P28235)

Darryl Bressack (P67820)

100 West Long Lake Road, Suite 111

Bloomfield Hills, MI 48304

(248) 971-2500

dfink@finkandassociateslaw.com

dbressack@finkandassociateslaw.com

**DIRECT PURCHASER INTERIM
LIAISON COUNSEL**

PRETI, FLAHERTY, BELIVEAU
& PACHIOS LLP

Gregory P. Hansel

Randall B. Weill

Michael Smith

One City Center

P.O. Box 9546

Portland, ME 04112-9546

(207) 791-3000

ghansel@preti.com

rweill@preti.com

msmith@preti.com

KOHN, SWIFT & GRAF, P.C.

Joseph C. Kohn

William E. Hoese

Douglas A. Abrahams

One South Broad Street, Suite 2100

Philadelphia, PA 19107

(215) 238-1700

jkohn@kohnswift.com

whoese@kohnswift.com

dabrahams@kohnswift.com

**FREED KANNER LONDON
& MILLEN LLC**

Michael J. Freed
Steven A. Kanner
William H. London
Michael L. Silverman
2201 Waukegan Road, Suite 130
Bannockburn, IL 60015
(224) 632-4500
mfreed@fklmlaw.com
skanner@fklmlaw.com
blondon@fklmlaw.com
msilverman@fklmlaw.com

**SPECTOR ROSEMAN KODROFF
& WILLIS, P.C.**

Eugene A. Spector
William G. Caldes
Jonathan M. Jagher
Jeffrey L. Spector
1818 Market Street, Suite 2500
Philadelphia, PA 19103
(215) 496-0300
espector@srkw-law.com
bcaldes@srkw-law.com
jjagher@srkw-law.com
jspector@srkw-law.com

**INTERIM LEAD COUNSEL FOR DIRECT PURCHASER PLAINTIFFS AND
PROPOSED CLASS**

**MANTESE HONIGMAN ROSSMAN
AND WILLIAMSON, P.C.**

/s/ Gerard V. Mantese (w/ consent)

Gerard V. Mantese (P34424)
David Hansma (P71056)
Brendan Frey (P70893)
Joshua Lushnat (P75319)
1361 E. Big Beaver Road
Troy, MI 48083
(248) 457-9200 Ext. 203
gmantese@manteselaw.com
dhansma@manteselaw.com
bfrey@manteselaw.com
jlushnat@manteselaw.com

**AUTOMOBILE DEALER INTERIM
LIAISON COUNSEL**

BARRETT LAW GROUP, P.A.
Don Barrett
David McMullan
Brian Herrington
P.O. Box 927
404 Court Square
Lexington, MS 39095
(662) 834-2488
dbarrett@barrettlawgroup.com
bherrington@barrettlawgroup.com
dmcmullan@barrettlawgroup.com

CUNEO GILBERT & LADUCA, LLP
Jonathan W. Cuneo
Joel Davidow
Daniel Cohen
Victoria Romanenko
507 C Street, N.E.
Washington, DC 20002
(202) 789-3960
jonc@cuneolaw.com
joel@cuneolaw.com
Danielc@cuneolaw.com
Vicky@cuneolaw.com

Larson • King, LLP
Shawn M. Raiter
Paul A. Sand
2800 Wells Fargo Place
30 East Seventh Street
St. Paul, MN 55101
(651) 312-6500
sraiter@larsonking.com
psand@larsonking.com

**INTERIM LEAD COUNSEL FOR AUTOMOBILE DEALER PLAINTIFFS AND
PROPOSED CLASS**

THE MILLER LAW FIRM, P.C.

/s/ E. Powell Miller (w/ consent)
E. Powell Miller (P39487)
950 W. University Dr., Suite 300
Rochester, MI 48307
(248) 841-2200
epm@millerlawpc.com

**INTERIM LIAISON COUNSEL FOR
END-PAYOR PLAINTIFFS AND
PROPOSED CLASS**

ROBINS, KAPLAN, MILLER &
CIRESI LLP
Hollis L. Salzman
Bernard Persky
William V. Reiss
601 Lexington Avenue
Suite 3400
New York, NY 10022
212-980-7400
Fax: 212-980-7499
hsalzman@rkmc.com
bpersky@rkmc.com
wreiss@rkmc.com

SUSMAN GODFREY L.L.P.
Terrell W. Oxford
Warren T. Burns
901 Main Street, Suite 5100
Dallas, TX 75202
(214) 754-1900
toxford@susmangodfrey.com
wburns@susmangodfrey.com

SUSMAN GODFREY L.L.P.
Marc M. Seltzer
Steven G. Sklaver
1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90067-6029
(310) 789-3100
mseltzer@susmangodfrey.com
ssklaver@susmangodfrey.com

COTCHETT, PITRE & MCCARTHY, LLP
Joseph W. Cotchett
Steven N. Williams
Adam J. Zapala
Gene W. Kim
San Francisco Airport Office Center
840 Malcolm Road, Suite 200
Burlingame, CA 94010
(650) 697-6000
jcotchett@cpmlegal.com
swilliams@cpmlegal.com
azapala@cpmlegal.com
gkim@cpmlegal.com

**INTERIM LEAD COUNSEL FOR END-PAYOR PLAINTIFFS AND PROPOSED
CLASS**

KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP

/s/ Edward McNally (w/ consent)

Hector Torres
Harold G. Levison
Edward E. McNally
Sarah Gibbs Leivick
Robert W. Bosslet
Attorneys for Plaintiff
1633 Broadway
New York, NY 10019
(212) 506-1700
htorres@kasowitz.com
hlevison@kasowitz.com
emcnally@kasowitz.com
sleivick@kasowitz.com
rbosslet@kasowitz.com

KIENBAUM OPPERWALL HARDY
& PELTON, P.L.C.

Eric J. Pelton (P-40635)
Theodore R. Opperwall (P-31374)
Ryan D. Bohannon (P-73394)
Attorneys for Plaintiff
280 N. Old Woodward Avenue, Suite 400
Birmingham, MI 48009
(248) 645-0000
epelton@kohp.com
topperwall@kohp.com
rbohannon@kohp.com

COUNSEL FOR PLAINTIFF FORD MOTOR COMPANY

BARBARA L. McQUADE
United States Attorney

s/Peter A. Caplan (w/ consent)

PETER A. CAPLAN
Assistant U.S. Attorney
211 W. Fort Street, Ste. 2001
Detroit, MI 48226
(313) 226-9784
P30643
peter.caplan@usdoj.gov

Paul T. Gallagher (w/ consent)

PAUL T. GALLAGHER
Trial Attorney
National Criminal Enforcement Section
Antitrust Division
United States Department of Justice
450 5th Street, N.W., Suite 11300
Washington, DC 20530
(202) 532-4570
paul.gallagher2@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2013, I electronically filed the foregoing paper with the Clerk of the court using the ECF system which will send notification of such filing to all counsel of record registered for electronic filing.

FINK + ASSOCIATES LAW

By: /s/David H. Fink
David H. Fink (P28235)
100 West Long Lake Road, Ste. 111
Bloomfield Hills, MI 48304
Tel: (248) 971-2500
dfink@finkandassociateslaw.com